

**MINUTES**  
**WYOMING CITY COUNCIL**  
**March 16, 2020**

The Wyoming City Council met in regular session on March 16, 2020 at 7:30 p.m. in the Council Chambers of the Wyoming Municipal Building. The meeting was also presented live on Facebook due to COVID-19 precautions. Mayor Hoffmeister called the meeting to order. In attendance were:

Council Members:

Thaddeus Hoffmeister, Mayor  
Nancy Averett  
Zach Green  
Jeff LeRoy  
Jim O'Reilly  
Sarah Stankorb Taylor

Others:

Lynn Tetley, City Manager  
Emily Supinger, City Solicitor

**APPROVAL OF CONSENT AGENDA**

Mr. Green moved to approve the Consent Agenda. Mr. LeRoy seconded the motion. Mr. O'Reilly asked that Item E be removed from the Consent Agenda and placed in the Business section for discussion. There being no further discussion, the motion to approve the following items on the Consent Agenda carried with all voting yes:

- February 18, 2020 City Council Meeting Minutes
- February 24, 2020 Committee of the Whole Meeting Minutes
- Resolution Honoring the Services of Jenny Cardosi Serving on the Historic Preservation Commission
- Resolution Authorizing a Then and Now Certificate

**SPECIAL REPORTS/MINUTES**

No comments were received.

**REPORTS OF STANDING COUNCIL COMMITTEES**

Mr. O'Reilly reported that the Executive Committee of OKI will meet virtually for the next two sessions. It is probable that Kentucky county government will follow Ohio county government to limit collective action in restaurants and bars.

**CITIZEN PARTICIPATION**

No comments were received in person nor online through the Facebook live stream recording of the meeting.

## BUSINESS

A1. Resolution Declaring a State of Emergency in the City of Wyoming Due to the Coronavirus Disease Outbreak: Mr. O'Reilly asked what powers the Declaration provides to the Mayor. Ms. Supinger explained that the primary reason for the Declaration allows the City to be granted emergency federal government funding should it be needed. Additionally it provides the Mayor with the authority to take certain actions, such as issue a curfew or to designate public places within the City to allow people to congregate.

A2. Proclamation Proclaiming the Month of March 2020 as Women's History Month: Mayor Hoffmeister read the Proclamation.

B. Public Hearing on Legislation Amending Chapter 1157 of the Planning and Zoning Code Pertaining to the Reduced Density Residential Overlay District: Ms. Supinger stated that this is the item that was presented to City Council at the February meeting by Planning Commission Chair, Mr. Jon B. Boss. The Planning Commission has reviewed the proposed amendments to the Code and unanimously recommended that City Council adopt the revisions to the Code. The recommended amendments change the approving authority from administrative (City Manager) to legislative (City Council) to align with how other Zoning changes are handled, and amend the criteria under which City Council may consider requested changes to a Reduced Density Overlay Plan.

Mayor Hoffmeister opened the public hearing.

Ms. Sophia Holley was present and addressed City Council. Ms. Holley is an attorney with Keating Muething & Klekamp located at One E. 4<sup>th</sup> St., Ste. 1400, Cincinnati, OH 45202. Ms. Holley represents Mrs. Kay Landers, owner of the property located at 333 Oliver Road, known locally as the Stearns property. Ms. Holley stated that the Stearns property consists of an estate home approximately 20,000 square feet built around 1908. The land consists of the main residence, a carriage house, and land that borders the Stearns Woods green areas trust. Ms. Holley stated that Mrs. Landers has indicated that she recommends City Council adopt the revisions of this Code.

Mr. O'Reilly asked Ms. Holley if Mrs. Landers has indicated her future plans for the property should the legislation be amended. Ms. Holley stated that Mrs. Landers would like to sell the property and subdivide the land leaving the home on one parcel, the carriage house as a separate parcel, and cut-up the remaining land for residential development. If the legislation is adopted, Mrs. Landers will be submitting her plans to the City.

There being no further comments or questions, Mayor Hoffmeister closed the public hearing.

C. Second Reading of the Ordinance Amending Chapter 1157 of the Planning and Zoning Code Pertaining to the Reduced Density Residential Overlay District and Declaring an Emergency: Ms. Stankorb Taylor moved to suspend the rules. Mr. LeRoy seconded the motion. Mr. Green commented that many residents near the Stearns property have expressed concern with the lack of communication between Mrs. Landers and the neighbors as to what is happening with the property. Mr. Green expressed concern with passing the amendments to this Code for the benefit of one property. From his understanding, there is not much concern regarding the future of the carriage house or the main residential structure but most of the concern lies in the area of land that could be cut-off and developed. He stated that he would feel more comfortable if he understood the intention behind the request. Ms. Supinger stated that this is an unusual request because currently the Zoning designation only applies to one property in the entire City. The exact issue and what Mrs. Landers' intentions are for the property are not before City Council at this time. If at some time in the future, she submits a plan to the City, all adjoining property owners would be notified and may attend both the Planning Commission meeting(s) and City Council meeting(s). Further, Ms. Supinger explained that this Chapter of the Code was established at the request of Mrs. Stearns and her attorney because it was her family's wish that the property be preserved in its original state in perpetuity. Mr. LeRoy asked if a property is placed into this Zoning designation can it be removed. Ms. Supinger stated that it cannot. She reiterated that the proposed changes would require that City Council review any request by a homeowner to have their property be granted the designation of a Reduced Density Overlay versus being administratively reviewed. Ms. Holley responded to Mr. Green's concern stating that she and Mrs. Landers understand that the neighbors have concerns and that they would like to be involved in the process if the property is modified. However as Mrs. Landers has not prepared a redevelopment proposal at this time, there is nothing really that can be shared. There being no further comments or questions, by roll call vote, the motion to suspend the rules carried with all voting yes. Mr. LeRoy moved to adopt the Ordinance. Ms. Stankorb Taylor seconded the motion. By roll call vote, the motion to adopt the Ordinance Amending Chapter 1157 of the Planning and Zoning Code Pertaining to the Reduced Density Overlay District carried with all voting yes.

D. First Reading of the Ordinance Amending Codified Ordinance Section 145.05 Unclassified Service and Declaring an Emergency: Ms. Tetley explained that this amendment removed the title of Assistant Community Development Director and includes the Community Development Specialist position to the list of unclassified service positions. Ms. Averett moved to suspend the rules. Mr. Green seconded the motion. There being no comments or questions, by roll call vote, the motion to suspend the rules carried with all voting yes. Mr. Green moved to adopt the Ordinance. Ms. Stankorb Taylor seconded the motion. There being no comments or questions, the motion to adopt the Ordinance Amending Codified Ordinance Section 145.05 Unclassified Service and Declaring an Emergency carried with all voting yes.

#### MISCELLANEOUS:

Mr. Green commented that the world is experiencing un-prescedented times and the negative effect the coronavirus outbreak and social distancing will take on our small, local businesses will not change anytime soon. However, the community has stepped up with many ideas on ways to help our restaurants and small businesses succeed during the pandemic. In less than 24 hours, volunteers and City staff came up with a project similar to Door Dash but promoting the use of Wyoming restaurants and businesses to deliver food and supplies to people who are in need not only in Wyoming but within our neighboring communities. Wyoming church leaders and volunteers have also stepped up to help deliver food and supply volunteers where needed. Kids who are home from school have been writing letters and make cards of encouragement that are being sent with the donations. The program is called Wyoming Carry-Out Connection and it can be found (and followed) on Facebook. Within 24 hours, 130 people have signed up to offer their assistance in both donating food and supplies or delivering orders to those in need. A t-shirt fundraiser is almost complete and the shirts will be sold to help support the program.

Mr. LeRoy applauded Mr. Green on his assistance in getting this program formed and organized. He asked if all Wyoming restaurants are participating. Ms. Tetley stated that as of today, all Wyoming restaurants have submitted their modified business plans and/or carry-out menus and the City has shared the information in our electronic newsletter and social media outlets.

Mr. O'Reilly stated that he has been reporting to City Council on the proposed Mill Creek tax. There was a court hearing held on February 27, 2020 where representatives from six communities attended the court hearing to express opposition to the proposed tax. Representatives of the Mill Creek Consortium failed to attend the court hearing thus the Judge rescheduled the hearing. Since then, the court house has been ordered closed due to the pandemic situation. The judge indicated that no action will be taken unless and until both sides of the argument are heard.

Ms. Stankorb Taylor thanked Ms. Tetley for setting up the City Council meeting on short notice to be live streamed on Facebook. She asked if this will be done for all boards and committee meetings until the pandemic has ended. Ms. Tetley stated that boards and committees have been asked to cancel any meeting that does not have an imminent necessity item on its agenda requiring it to meet. The situation will be re-evaluated in April. Ms. Stankorb Taylor expressed concern that some residents may not be electronically connected to communication outlets and she asked if there are other ways that the older residents can obtain information on issues that may not be covered on local news stations. Ms. Tetley stated that the City has reached out to all faith based groups in the community to seek out requests for well checks for residents that may not know what is happening. We have asked neighbors to check on each other as well. However, information has been regularly disseminated on the many ways people can receive, sign up, and/or log on to get

information from the City but it cannot force anyone to do so. Mailing information is an option however by the time a letter is received, the information could have changed as we are all realizing how rapidly the pandemic situation is occurring. Ms. Stankorb Taylor commented that she read information from Dayton, Ohio where they were suspending water shut-offs in order to help people get through this rough patch and she asked if that is something Wyoming can do as well. Ms. Supinger commented that Duke Energy has suspended local shut-offs for non-payment. She has discussed the issue with the Mayor under the Emergency Declaration, this is something that would fall to the Mayor to determine. The City will not be shutting off water for non-paying customers.

Mayor Hoffmeister re-iterated that water will not be shut-off to those unable to pay their bill at this time.

Ms. Averett asked if Wyoming restaurants pay taxes to the City. Ms. Tetley explained that the restaurants pay a payroll tax just like any other business.

Mr. Green inquired about the status of rent payments from tenants in buildings that the City owns. Ms. Tetley stated that the Community Improvement Corporation (CIC) owns the 400 and 500 Wyoming Avenue buildings and City Council could ultimately decide to make concessions with the tenants of these two buildings but it cannot with buildings that the CIC and/or the City do not own. Ms. Tetley added that the Small Business Administration has been advertising the help it can provide and she is unaware of how many Wyoming businesses are aware of what the Small Business Administration is or what they can do but she will continue to forward any information from the SBA to the Wyoming businesses as it becomes available.

Mayor Hoffmeister commented that it is great to see people come together to help each other out and with regard to the Emergency Declaration Ordinance he is open to all suggestions. He stated that he did not fully understand all the work that the City Manager has done this week, and today, and as things are changing daily in the world, she is having to change things hourly. We are trying to get information out and in front of the people as quickly as we receive it which is very challenging but the City has some great employees that are doing all they can to get us through this. All he asks is for cooperation and support and if anyone sees something that can be done better or something that is not being done right he asked that you reach out to him.

Ms. Supinger updated City Council on everything that has been changing over the course of several days as to the rules about how Council can meet and when it can meet. She advised Council that under Ohio law, in order for City Council to conduct business it must be done in person. People must vote in person and the meeting must be open to the public. In the last couple of days she have received more direction on this in particular if the public can be excluded from attending the meeting due to the pandemic. If the meeting

is being live streamed typically the public would be excluded. Tonight's meeting was not excluded because in addition to the Council meeting business there was a Public Hearing as well. The rules are a little less clear because this is when the public can comment on a particular topic so she requested that the meeting not be closed and people are able to comment during the live feed. There was a call this afternoon with the Attorney General's office and there have been a request by a number of municipalities and their legal counsels to allow Council meetings to be conducted during the pandemic either by teleconferencing or video conferencing and the AG's office is reporting that this cannot be done; it is not allowed by law. She believes the Attorney General's office will be discussing this with the Governor's office and if anything changes in this respect she will let Council know as soon as she knows.

Mr. O'Reilly asked for clarification if live streaming of the meetings meet the standards of an open hearing. Ms. Supinger stated that the Attorney General's office says that it does. Because there is not a right of the public to participate in a Council meeting they have the right to observe the meeting. You are not required to have a public comment in a Council meeting. The live streaming you can give the opportunity to watch the meeting and the way that the City had it set up tonight was that the meeting was live streamed and allowed for questions and comments to be made. Those are things that City Council can allow. The Attorney General's office has given us his opinion that the live streaming will suffice for the purposes of making it a live meeting.

#### EXCUSAL OF ABSENT MEMBERS:

Mr. O'Reilly moved to excuse Mr. Delgado. Mr. Green seconded the motion. There being no discussion or comments, by roll call vote, the motion to excuse Mr. Delgado carried with all voting yes.

#### EXECUTIVE SESSION:

Ms. Stankorb Taylor moved to adjourn to Executive Session under Section 121.03(b)(1) of the Codified Ordinances of the City of Wyoming to Consider an Appointment to the Board of Zoning Appeals and under Section 121.03(b)(2) of the Codified Ordinances of the City of Wyoming to Consider the Sale or Lease of Property. Ms. Averett seconded the motion. By roll call vote, the motion to adjourn to Executive Session carried with all voting yes. The meeting adjourned to Executive Session at 8:05 p.m. Council left Executive Session at 8:29 p.m.

Mr. LeRoy moved to appoint Lynn Bueckman to the Board of Zoning Appeals. Mr. Green seconded the motion. All voted yes, the motion carried.

#### ADJOURN:

Mr. O'Reilly moved to adjourn the meeting. Ms. Stankorb Taylor seconded the motion. By roll call vote, the motion to adjourn the meeting carried with all voting yes. The

meeting adjourned at 8:30 p.m.

Respectfully submitted,

Debby Martin, Executive Assistant

Approved:

Karen Zeilman, Clerk of Council

Thaddeus Hoffmeister, Mayor